

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION FILE NO. 3:17-CV-00740-FDW-DSC

DAVID A. JOHNSON and ALDA, INC., )  
)  
Plaintiffs, )  
)  
v. )  
)  
ITALIAN SHOEMAKERS, INC., )  
)  
Defendant. )  
)

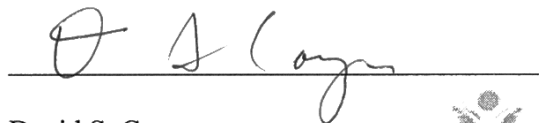
**ORDER**

**THIS MATTER** comes before the Court on “Plaintiffs’ Motion for Relief from [Memorandum and Recommendation of] Sanctions ...” (document #25) and “Response to Defendant’s Motion for Sanctions” (document #26), and “Defendant’s ... Response in Opposition to Plaintiffs’ Motion for Relief ...” (document #27).

The Court has reviewed Plaintiffs’ Motion and Response, neither of which provide grounds for setting aside the “Memorandum and Recommendation” (document #24). Plaintiffs seek relief under Fed. R. Civ. P. 60(b)(1). Rule 60(b) is inapplicable since the Memorandum and Recommendation is not a final judgment or order. Baytree Assoc., Inc. v. Dantzler, Inc., NCWD File No. 3:07cv16, 2008 WL 2182202, \*4 (W.D.N.C. 2008) (Rule 60(b) not appropriate basis for motion to reconsider an interlocutory order). For this and the other reasons stated in Defendant’s Response (document #27), Plaintiffs’ Motion is denied.

**SO ORDERED.**

Signed: September 17, 2018



David S. Cayer  
United States Magistrate Judge

